
Hughes Hubbard & Reed

Firm Wins Mesothelioma Jury Trial in Los Angeles

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Hughes Hubbard & Reed successfully defended Lorillard Tobacco Company and Hollingsworth & Vose (H&V) against a lawsuit brought by a California man who claimed he contracted mesothelioma from exposure to asbestos in the filter of original Kent cigarettes.

On Oct. 4, following a 21-day trial, a state court jury in Los Angeles returned a unanimous defense verdict, rejecting Dimitris Couscouris' claims and finding that he had failed to prove that he smoked original Kent cigarettes.

"This was a hard-fought case against an experienced and aggressive law firm in a difficult jurisdiction," said John Reilly, associate general counsel, litigation, at Lorillard, referring to The Lanier Law Firm, which represented the Couscourises. "We are pleased that the jury correctly and fairly evaluated the evidence and sided with the defense."

Couscouris was diagnosed with mesothelioma in early 2011. In December, he and his wife, Magdalena, sued nine defendants for damages in California state court, asserting claims of negligence, strict liability and loss of consortium. When trial began on Sept. 4, Lorillard and H&V were the only remaining defendants. Eight product liability claims against Lorillard and four against H&V went to the jury. The Couscourises requested nearly \$800 thousand in damages, plus unspecified non-economic damages and damages for loss of consortium. They also asked the jury to determine whether they were entitled to punitive damages against Lorillard.

For a brief period in the 1950s, Lorillard manufactured Kent cigarettes containing a highly efficient state-of-the-art filter with asbestos; H&V made the filter media. Mesothelioma was not definitively linked to asbestos until four years after Lorillard stopped using it as a component in its filters in 1956.

James Berger led the trial team that represented H&V, which included Liz Raines, Tara Lamer, Sally Merriam, Mike Mitchell, Kari Jones and Kathy Jeanetta.

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